



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/305,984    05/05/99    NOVAK    R    1340-1-016-N

0232/0618

DAVID A JACKSON ESQ  
KLAUBER & JACKSON  
411 HACKENSACK AVENUE  
HACKENSACK NJ 07601

NOT ASSIGNED

1643

DATE MAILED:

06/18/99  
*Due 8/18/99*  
*DOO 12/18/99*

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 2984.00.

- ☒ 1. The statutory basic filing fee is:  
☒ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☒ 2. The following additional claims fees are due:

\$ 846.00 for 47 total claims over 20.  
\$ 1248.00 for 16 independent claims over 3.  
\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:  
☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
☐ 7. Your filing receipt was mailed in error because your check was returned without payment.  
☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

*G. Mallon*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

07/30/1999 TL0011    00000108 09305984  
01 FC:201  
02 FC:202  
03 FC:203  
04 FC:205

380.00 OP  
624.00 OP  
423.00 OP  
65.00 OP

1492

RECTORA



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July 28, 1999

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Attention: Box Missing Parts  
Application Processing Division  
Special Processing and Correspondence Branch

Re: U.S. Patent Application  
Applicant(s) : Rodger Novak and Elaine Tuomanen  
Serial No. : 09/305,984  
Filed : May 5, 1999  
Title : NOVEL ANTIBIOTICS AND  
METHODS OF USING THE SAME  
Docket No. : 1340-1-016 N

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to BOX MISSING PARTS, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231 on July 28, 1999.

Michael D. Davis Reg. No. 39,161  
(Name of Registered Representative)

Betty Schultz 7/28/99  
(Signature and Date)

SUBMISSION OF MISSING PARTS OF APPLICATION  
UNDER 37 CFR 1.53(d)

Sir:

Responsive to the Notice to File Missing Parts of Application dated June 18, 1999, (copy enclosed) under 37 CFR 1.53(d), Applicants submit herewith the following:

ASSISTANT COMMISSIONER FOR PATENTS

July 28, 1999

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Docket No.: 1340-1-016 N


1. A combined Declaration and Power of Attorney making reference to the above-identified application, and in compliance with 37 CFR 1.63;
2. One (1) Verified Statements Claiming Small Entity Status on behalf of a Small Business Concern;
3. A check in the amount of \$1,492.00 covering the following:
  - (a) Filing Fee under 37 CFR 1.16 (including multiple dependent claims) ; 1,427.00
  - (b) Surcharge under 37 CFR 1.16 ; 65.00
  - (c) Fee for -Month Extension of time under 37 CFR 1.17()

The time set for this response is August 18, 1999.

A correct Filing Receipt reflecting the above and attached information is requested.

Applicants hereby authorize that any charges in addition to the above authorized that relate to the filing and processing of the present Application in accordance with 37 CFR 1.16 and 1.17 may be charged to Deposit Account No. 11-1153. A duplicate copy of this letter is provided for this purpose.

Respectfully submitted,

  
MICHAEL D. DAVIS  
Attorney for Applicant(s)  
Registration No. 39,161

MDD/bls  
Enclosures